

REMARKS

The Applicant wishes to express appreciation to Examiner Miller for her courtesy during the telephone interview conducted on October 20, 2004. During the interview, the proposed amendments to the claims and the reference "Around the World in 80 Ways" were discussed. The Applicant thanks the Examiner for her candor, and again encourage the Examiner to call the undersigned attorney at (213) 892-5752 to resolve any issues that prevent the application from being in condition for allowance.

Claims 23-39 are pending in the application. Claims 1-15 were previously canceled. Claims 16-39 were rejected under 35 U.S.C. §102(b) as being anticipated by screen captures from a movie entitled "Around the World in 80 Ways" (hereinafter "80 Ways"). Claims 16-22 have been canceled. Claims 23, 29, 30 and 37 have been amended. Reconsideration and reexamination of the application in view of the amendments and the following remarks is respectfully requested.

The present invention is directed to a system for simulating a crowd of real people seated in stadium or auditorium style seating and viewing a particular event in a foreground scene when recording a scene in a visual recording media production. The system uses a plurality of inflatable life-sized humanoid figures that are placed in the background of the scene to be recorded. Each figure has features that represent a general shape of an upper portion of a real humanoid, but includes a substantially flat bottom portion for supporting the figure in seats such as stadium or auditorium style seating. When a large number of inflated humanoid figures are seated in the background scene in close proximity to each other, the figures simulate a crowd of real people viewing the particular event in the foreground scene. The figures may then be visually recorded in a manner that does not capture a clear image of the inflated plurality of inflatable life-sized humanoid figures as compared to the foreground scene.

Claims 16-39 were rejected under 35 U.S.C. §102(b) as being anticipated by screen captures from "80 Ways." Claims 16-22 have been canceled. With the amendments to claims 23, 29, 30 and 37, it is respectfully submitted that the rejection of claims 23-39 has been overcome.

"80 Ways" fails to disclose, teach or suggest a plurality of three-dimensional apparatus that include "a laterally aligned bottom disposed below said waist for supporting the life-sized inflatable humanoid figure" with arm members having a generally planar distal end contiguously connected to a portion of the side of the figures, as recited in amended claim 23. In contrast to the present invention as recited in claim 23, the figures in "80 Ways" are fully-limbed figures, including full arms and legs, and do not have a flat bottom or cut-off arms. In fact, "80 Ways" teaches away from flat bottoms or cut-off arms because the intent of the figures was to convince a partially sighted man that he was vacationing amongst other tourists, and thus the figures had to be as lifelike as possible.

"80 Ways" also fails to disclose a plurality of life-sized humanoid figures "for use in background scenes" that are shaped such that they simulate "a crowd of real people . . . when visually recorded in a manner that does not capture a clear image of the plurality of life-sized inflatable humanoid figures as compared to the foreground scene," as recited in amended claim 23. Unlike the use of the inflatable figures envisioned by the present invention in background scenes where the figures are blurred, fuzzy or otherwise not captured in clear focus, the figures in "80 Ways" are central to the scenes in which they appear, and thus appear in the foreground in sharp focus. "80 Ways" actually teaches away from using the inflatable figures in the background and out of focus, because the figures in "80 Ways" are key figures used to fool the partially sighted man into believing he is vacationing in various locations. In other words, "80 Ways" uses the figures as central characters in the movie, not as movie "extras" as in the present invention. Note, also, that the figures in "80 Ways" are intended to appear as dummies to the viewing audience, not real people as in the present invention recited in claim 23.

Because "80 Ways" does not disclose all of the limitations of amended claim 23, it is respectfully submitted that the rejection of claim 23 under 35 U.S.C. §102(b) as being anticipated by "80 Ways" has been overcome. Furthermore, because claims 24-28 depend from claim 23, the rejection of those claims has been overcome for the same reasons provided above with respect to claim 23.

"80 Ways" also fails to disclose, teach or suggest a plurality of inflatable life-sized humanoid figures with arm members having a generally planar distal end contiguously connected to a portion of the side of the figures and narrow tubular sections connecting the figures, as recited in amended claim 29. The figures in "80 Ways" are fully-limbed figures, including full arms, and do not have cut-off arms. In fact, "80 Ways" teaches away from cut-off arms because the intent of the figures was to convince a partially sighted man that he was vacationing amongst other tourists. In addition, because "80 Ways" utilizes the figures individually or in small groups in various relaxed social scenes and not in orderly stadium or auditorium style seating, "80 Ways" fails to disclose narrow tubular sections connecting two or more figures.

"80 Ways" also fails to disclose a plurality of life-sized humanoid figures "for use in background scenes" that are shaped such that they simulate "a crowd of real people . . . when visually recorded in a manner that does not capture a clear image of the plurality of life-sized inflatable humanoid figures as compared to the foreground scene," as recited in amended claim 29. As discussed above, unlike the use of the inflatable figures envisioned by the present invention in background scenes where the figures are blurred, fuzzy or otherwise not captured in clear focus, the figures in "80 Ways" are central to the scenes in which they appear, and thus appear in the foreground in sharp focus. "80 Ways" actually teaches away from using the inflatable figures in the background and out of focus, because the figures in "80 Ways" are key figures used to fool the partially sighted man into believing he is vacationing in various locations. In other words, "80 Ways" uses the figures as central characters in the movie, not as movie "extras" as in the present invention. Note, also, that the figures in "80 Ways" are intended to appear as dummies to the viewing audience, not real people as in the present invention recited in claim 29.

Because "80 Ways" does not disclose all of the limitations of amended claim 29, it is respectfully submitted that the rejection of claim 29 under 35 U.S.C. §102(b) as being anticipated by "80 Ways" has been overcome. Furthermore, because claims 30-36 depend from claim 29, the rejection of those claims has been overcome for the same reasons provided above with respect to claim 29.

"80 Ways" fails to disclose, teach or suggest a plurality of inflatable life-sized humanoid figures "having features that represent a general shape of an upper portion of a real humanoid" and including "a substantially flat portion forming a bottom of each inflatable life-sized humanoid figure for supporting the life-sized inflatable humanoid figure in the stadium or auditorium style seating," as recited in amended claim 37. The figures in "80 Ways" are fully-limbed figures, and do not have a flat bottom. In fact, "80 Ways" teaches away from flat bottoms because the intent of the figures was to convince a partially sighted man that he was vacationing amongst other tourists, and thus the figures had to be as lifelike as possible.

"80 Ways" also fails to disclose a plurality of life-sized humanoid figures "for use in a background scene" that are shaped such that they simulate "a crowd of real people . . . and may be visually recorded . . . in a manner that does not capture a clear image of the inflated plurality of inflatable life-sized humanoid figures as compared to the foreground scene," as recited in amended claim 37. Unlike the use of the inflatable figures envisioned by the present invention in background scenes where the figures are blurred, fuzzy or otherwise not captured in clear focus, the figures in "80 Ways" are central to the scenes in which they appear, and thus appear in the foreground in sharp focus. "80 Ways" actually teaches away from using the inflatable figures in the background and out of focus, because the figures in "80 Ways" are key figures used to fool the partially sighted man into believing he is vacationing in various locations. In other words, "80 Ways" uses the figures as central characters in the movie, not as movie "extras" as in the present invention. Note, also, that the figures in "80 Ways" are intended to appear as dummies to the viewing audience, not real people as in the present invention recited in claim 37.

Because "80 Ways" does not disclose all of the limitations of amended claim 37, it is respectfully submitted that the rejection of claim 37 under 35 U.S.C. §102(b) as being anticipated by "80 Ways" has been overcome. Furthermore, because claims 38 and 39 depend from claim 37, the rejection of those claims has been overcome for the same reasons provided above with respect to claim 37.

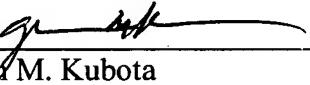
In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

If, for any reason, the Examiner finds the application other than in condition for allowance, Applicant requests that the Examiner contact the undersigned attorney at the Los Angeles telephone number (213) 892-5752 to discuss any steps necessary to place the application in condition for allowance.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 559852000101.

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Respectfully submitted,

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